

**ADMINISTRATIVE ORDER**

This order is entered at a time when most people are deeply concerned about human contact and the spread of contagious viruses. The Court is also deeply concerned about the unavoidable Constitutional issues that arise because of innocent defendants who cannot meet pretrial release requirements being detained while the court system attempts to guarantee the safety of jury trials, the effects of such delays on victims of serious crimes, the impact on the availability and efficacy of witnesses for trials that have been delayed, and the danger of defendants who obtain pretrial release and remain at large pending trial.

The Court has determined that questionnaires will be an effective way to determine at the earliest possible moment which jurors, of those assembled as potential trial jurors or grand jurors, should be immediately excused or deferred and allowed to leave the courthouse without further contact with other persons.

The Court further determines that pre-trial motions, including any objections of defense counsel to re-arranging of the courtroom or use of non-courthouse facilities, should be heard at administrative sessions to minimize the time jurors are required to be assembled awaiting the conclusion of the hearing of such motions. Wherefore, the Court enters this order.

1. Pre-trial motions, to the fullest extent possible, shall be heard at the administrative session of court next preceding the trial session. Any objections or questions about the re-arranging of the courtroom or use of non-courthouse facilities SHALL be raised at this administrative session, and the court will assist defense counsel in a tour of the facility, or review of building plans, or in other ways to familiarize counsel with the court facility and allow concerns to be raised without wasting jury time.
2. As soon as counsel determine that a trial will be necessary for a case, and at the latest at the administrative session next preceding the trial, counsel will consult with one another to draft a questionnaire for all jurors who will be a part of the potential juror pool.
3. The purpose of the questionnaire will be to determine if there are any jurors who should be excused or deferred immediately, so as to minimize the "mass gathering" time of such jurors.
4. The questionnaires will be distributed by the Clerk or designees to jurors immediately upon entry to the courthouse or grounds of the courthouse. The questionnaires to be completed under this Order will be in addition to the health screening questionnaires otherwise required by the Jury Resumption Plan. Jurors will immediately complete the

questionnaires, either back in their vehicle or within the screening area of the courthouse, or on the grounds of the courthouse, and then bring them back to the Clerk and await further instructions, in an area where “social distancing” can be maintained.

5. The questionnaires will first inform the jurors about the information that is required to be made known under G.S. 15A-1213<sup>i</sup>, and also the witnesses expected to be called at the trial and the expected length of the trial. The jurors shall also be informed on the questionnaire (**in bold text**) that they are under court order to follow these rules (**“Communication Rules for Jurors”**):

- a. To answer the questions on the questionnaires fully and truthfully;
- b. Not to talk among themselves (with other jurors) about the case except in the jury room after their deliberations have begun;
- c. Not to talk to anyone else, or to allow anyone else to talk with them or in their presence about the case to be tried, including the charge(s), the defendant, publicity about the case, the lawyers, witnesses or anything else remotely connected to the case;
- d. To report to the judge immediately the attempt of anyone to communicate with them or in their presence about the case;
- e. Not to form an opinion about the guilt or innocence of the defendant, or express any opinion about the case until they begin their deliberations;
- f. To avoid reading, watching, or listening to accounts of the trial.

6. The questionnaire should elicit at least the following information:

- a. Citizenship;
- b. Age;
- c. Whether has been on a state or federal trial jury during last two years or served a full term as a grand juror in last 6 years;
- d. Whether convicted of (or pled guilty or no contest to) a felony, unless citizenship has been restored<sup>ii</sup>;
- e. Employer (present or from which retired), or disabled, or unemployed, homemaker, etc.
- f. Name of spouse/partner/significant-other, and employer of that person;
- g. Primary Residential Address;
- h. Appointments, or other pre-existing time commitments that would make jury service impossible, even if that could have been made a part of a request for excusal or deferral at the earlier time;
- i. Health concerns not related to Covid-19, such as being unable to sit for long periods, hearing or vision problems, cognitive concerns (including if ever been adjudged incompetent);



- j. Firm religious convictions that would be violated by “sitting in judgment” on a fellow citizen;
  - k. Whether they or any member of their family:
    - i. Worked in either attorney’s firm or otherwise had business relations with such attorney;
    - ii. Are related by blood or marriage to an attorney (including staff who will be present during the trial), or the defendant, or a witness, or any court personnel.
  - l. Any other reason at all that would make it inappropriate to sit as a juror on the case to be tried;
  - m. That they have read and understand the **“Communication Rules for Jurors”**.
7. At an administrative session prior to the date of trial, the Court will consider all suggestions counsel may have as to adding or deleting specific questions to the questionnaire. The Court may include such questions as determined in the Court’s discretion to be advisable even if counsel cannot agree.
  8. Two copies of all completed questionnaires shall be immediately made for counsel, and then counsel and the presiding judge will immediately examine the completed questionnaires together to determine (by agreement if possible) which jurors, if any, should be excused or deferred without further inquiry. If counsel cannot agree on jurors to be excused or deferred, the presiding judge will make the determination, which shall not count in any way as a peremptory challenge by either party.
  9. This Order shall be made a part of the Jury Resumption Plan of District 30A for all counties therein.

THIS the 25<sup>th</sup> day of September 2020.



William H. Coward  
Superior Court Judge Presiding

<sup>i</sup> “Prior to selection of jurors, the judge must identify the parties and their counsel and briefly inform the prospective jurors, as to each defendant, of the charge, the date of the alleged offense, the name of any victim alleged in the pleading, the defendant’s plea to the charge, and any affirmative defense of which the defendant has given pretrial notice as required.” G.S. 15A-1213

<sup>ii</sup> Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have such rights automatically restored upon the occurrence of any one of the following conditions: (1) The unconditional discharge of an inmate, of a probationer, or of a parolee by the agency of the State having jurisdiction of that person or of a defendant under a suspended sentence by the court.(2) The unconditional pardon of the offender. (3) The satisfaction by the offender of all conditions of a conditional pardon.(4) With regard to any person convicted of a crime against the United States, the unconditional discharge of such person by the agency of the United States having jurisdiction of such person, the unconditional pardon of such person or the satisfaction by such person of a conditional pardon. (5) With regard to any person convicted of a crime in another state, the unconditional discharge of such person by the agency of that state having jurisdiction of such person, the unconditional pardon of such person or the satisfaction by such person of a conditional pardon. N.C. Gen. Stat. § 13-1